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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,633	01/22/2001	Masato Ageta	1086.1135/JDH	8778
21171	7590	10/05/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LUU, SY D	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/765,633	<b>Applicant(s)</b> AGETA ET AL.	
	<b>Examiner</b> Sy D. Luu	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*AT*

### DETAILED ACTION

1. This communication is responsive to the RCE and Amendment filed July 18, 2005.
2. Claims 1-31 are pending in this application. Claims 1, 14, 21 and 28-31 are independent claims. In the instant Amendment, claims 29-31 were added, and claims 1, 3-4, 7, 14, 16-17, 20-21, 23-24 and 27 were amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-5, 14-18, 21-25 and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by Humpleman et al. ("Humpleman", US 6,603,488 B2).

As per claims 1-3, Humpleman teaches an information processing apparatus, comprising:  
a menu storage unit storing characteristic menu information corresponding to applications (fig. 8; col. 19, line 65 – col. 20, line 30; *menu 712 corresponding to various control applications which are associated with the devices such as "Dads TV" and "Jims DVD"*); and a menu development unit discriminating whether one of the applications is being executed and displaying a menu corresponding to the discriminated application on a screen using said menu

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information, a menu execution unit executing a processing corresponding to a menu item selected from said menu, wherein if the application for which said menu information exists is being executed, the application is activated (figs. 8 and 10; col. 15, lines 30 – col. 16, line 7; *control application for "Dads TV" is selected/started, and a corresponding menu 804 is displayed with various menu items such as "Channel" and "Volume" which could be selected for processing*).

As per claims 4-5, Humpleman teaches said menu development unit to display a on the screen if no application is being executed, wherein said predetermined menu is a launcher menu for starting the applications (fig. 8; *predetermined menu 710 is displayed if none of the applications 712 is started*).

Claims 14-18 are similar in scope to claims 1-5 respectively, and are therefore rejected under similar rationale.

Claims 21-25 and 28 are similar in scope to claims 1-5 and 1 respectively, and are therefore rejected under similar rationale.

Claims 29-31 are similar in scope to claims 1, 4 and 5 respectively, and are therefore rejected under similar rationale.

#### ***Claim Rejections - 35 USC § 103***

6. Claims 6, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. ("Humpleman", US 6,603,488 B2).

As per claim 6, Humpleman teaches the display of a menu 710 and a number of menu items 712 therein (fig. 8), but does not teach if a menu item is selected from said menu, the menu

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is deleted from the screen. Official Notice is taken that such a feature is well known in the art. It would have been obvious to an artisan at the time of the invention to combine such a feature with the teaching of Humpleman in order to increase screen display area for the display of the subsequent screen.

Claims 19 and 26 are individually similar in scope to claim 6, and are therefore rejected under similar rationale.

7. Claims 7-13, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. ("Humpleman", US 6,603,488 B2) in view of Higuchi (JP-01100620).

As per claims 7, 12 and 13, Humpleman does not explicitly disclose an indication unit indicating display of said menu, and said menu development unit to discriminate the executing application if an indication of said indication unit is detected, wherein said indication unit is provided in front of a keyboard; and wherein the processing apparatus comprises a cover on which a display is arranged, a main body on which said keyboard is arranged and a coupling section coupling the cover to the main body. However, all of these components/features when used in conjunction with a portable personal computer (PC) are known in the art. For instance, Higuchi teaches a portable computer having these components and features (fig. 1; page 1, last para. – page 2, first para.). It would have been obvious to an artisan at the time of the invention to equip Humpleman's apparatus with these components/features in order to provide portability as well as to allow users with compact/efficient means for making menu selections and for proper arrangements of the components on the computing device.

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As per claim 8-9, Higuchi teaches said indication unit to be a device consisting of a scroll up/down buttons for changing selection of the menu item from said menu and defined button for determining the selected menu item, wherein said defined button is operated to thereby indicate the display of said menu (fig. 1; keys 3-6 and 7).

As per claims 10-11, all claimed features regarding the arrangement of the defined button as well as the scroll up/down buttons being a seesaw switch are well known in the art. It would have been obvious to an artisan at the time of the invention to include such features with Higuchi's apparatus in order to provide convenient and efficient means for navigating through as well as selecting menu options.

Claims 20 and 27 are individually similar in scope to claims 7, and are therefore rejected under similar rationale.

### ***Response to Arguments***

8. Applicants' arguments with respect to the amended claims have been considered but are deemed not persuasive.

Applicants argue that: (a) the session manager 750 of Humpleman is an application and device management is part of the application, thus, there is no teaching within Humpleman of performing a discrimination operation that discriminates whether an application is started, and discrimination is not needed since the application manager that displays the device pages is already running; and (b) the prior art does not teach the steps of performing a test to determine whether an application is executing and displaying a menu corresponding to the executing

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application based on the test, and the launcher menu being displayed only when an application menu is not displayed.

The Examiner disagrees for the following reasons.

Per (a), in Humpleman, the session manager and device applications are separate applications as noted in col. 9, lines 50-58, col. 13, lines 21-67, col. 16, lines 20 et seq. and col. 19, lines 66 et seq., where each home device has a control application associated it and each control application for a home device handles the communication between the session manager of the respective home network and the home device. Thus, every time a device is initiated, its own control application is executed to provide the associated menu for display.

Per (b), the argument regarding the test to determine an executing application and displaying a menu is similar to argument (a) and is moot in view of the response above. Furthermore, figures 6-7 of Humpleman depict an instant where the launcher menu is displayed only when an application menu is not displayed.

#### *Inquires*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Sy D. Luu', is positioned above the printed name.

**SY D. LUU**  
**PRIMARY EXAMINER**  
**ART UNIT 2174**

SDL: 10/3/05